

TNC MADISON PINE BARRENS EASEMENT BASELINE DOCUMENTATION FILE

Conservation Easement Acquired by State of New Hampshire
under the NH Land Conservation Investment Program

Easement Acquisition Date: August 23, 1989

Town: Madison

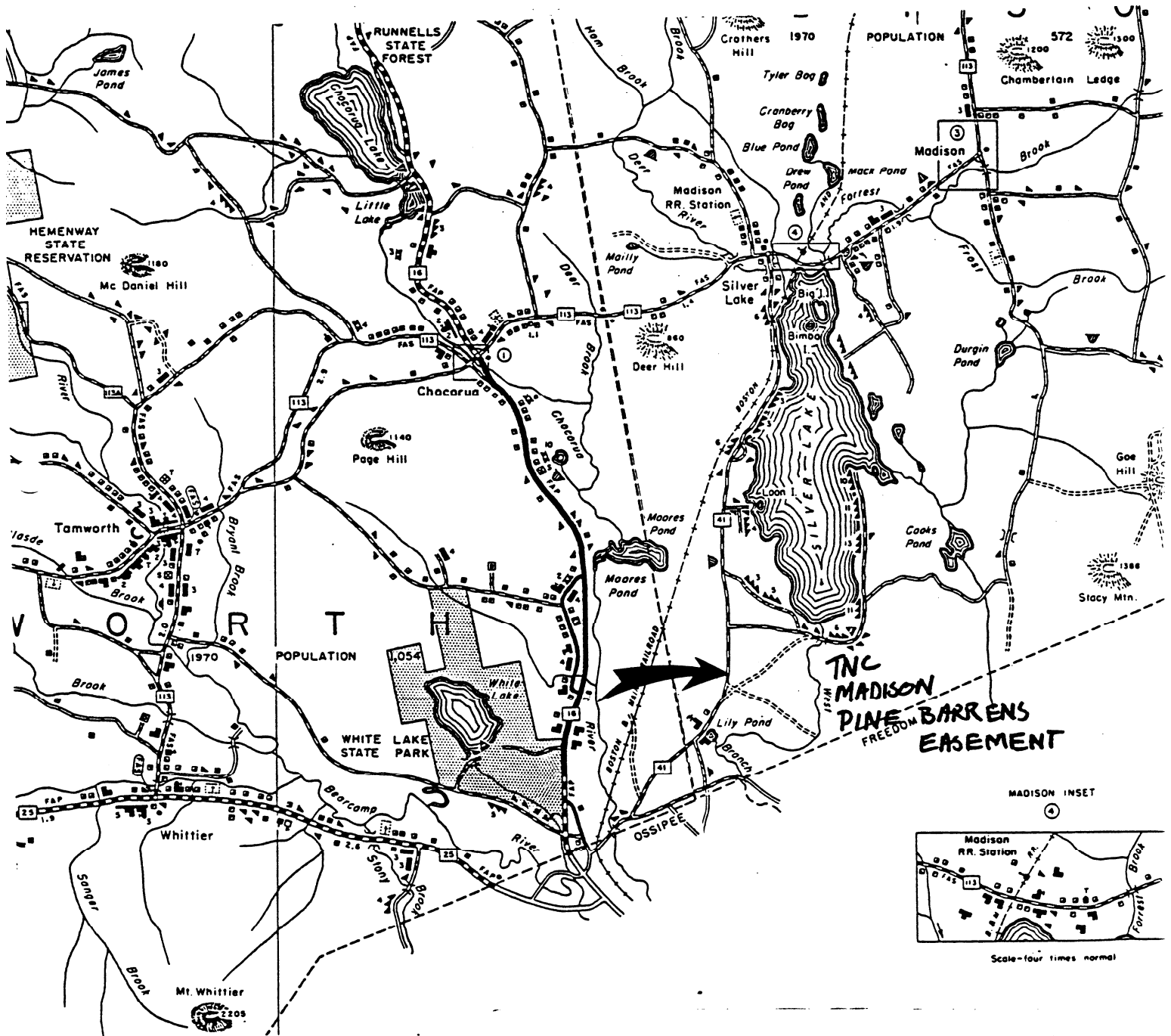
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Note: Aerial photograph negatives are on file with the photographer,
James W. Sewall Company, P.O. Box 433, Old Town, Maine 04468, phone
207-827-3641.

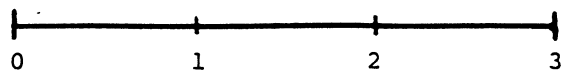
A

Directions to TNC Madison Pine Barrens Easement: From Route 16 near the Tamworth/Ossipee town line, follow Route 41 (Plains Road) northeasterly. The TNH Madison Pine Barrens Easement begins about 1.0 miles northeasterly from the Madison/Tamworth town line marker on Plains Road.

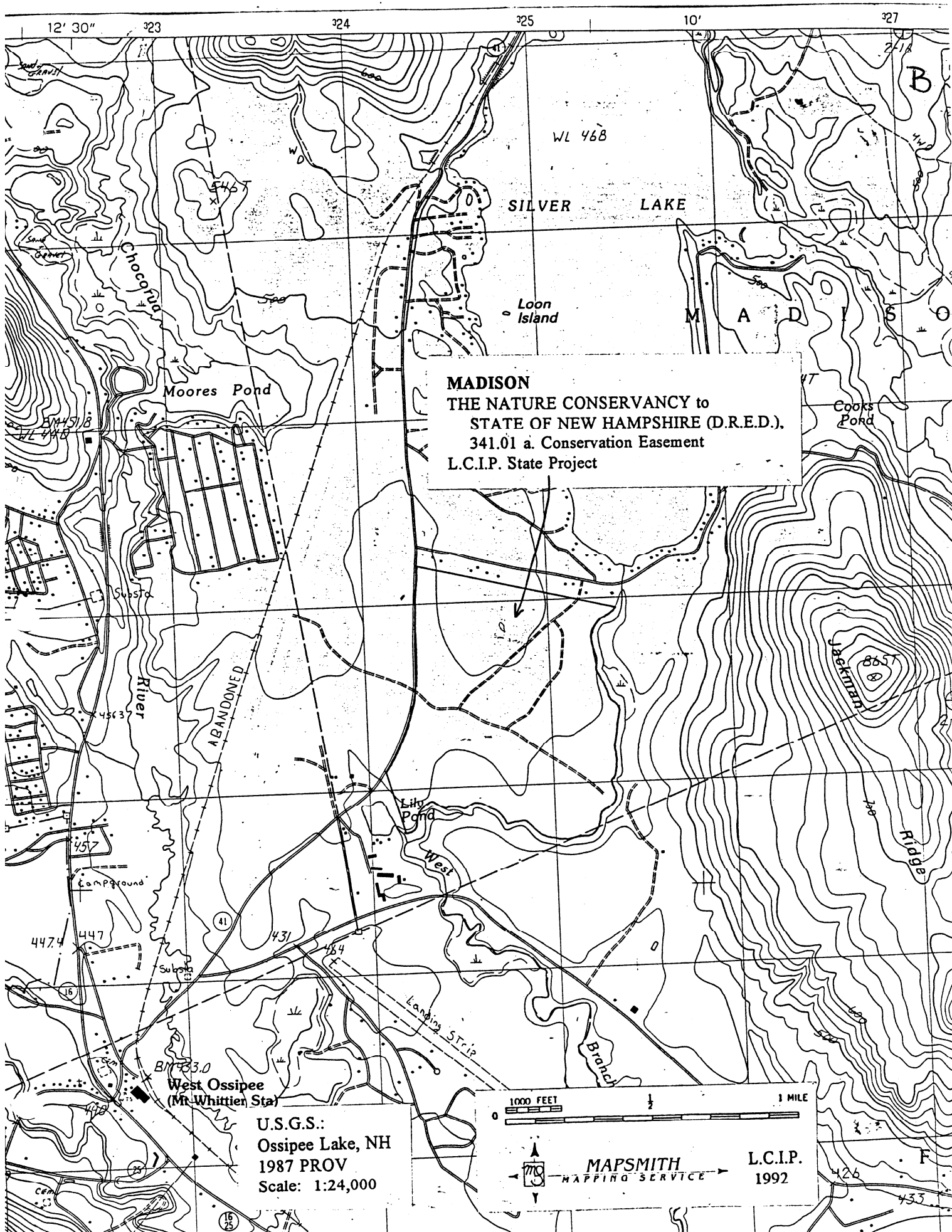


Source Map: State of New Hampshire
General Highway Maps, County Series

Scale: 1" = 1 mile



N



MADISON
THE NATURE CONSERVANCY to
STATE OF NEW HAMPSHIRE (D.R.E.D.),
341.01 a. Conservation Easement
L.C.I.P. State Project

U.S.G.S.:
Ossipee Lake, NH
1987 PROV
Scale: 1:24,000

1000 FEET 1 MILE
MAPSMITH
MAPPING SERVICE
L.C.I.P. 1992

C

CONSERVATION EASEMENT SUMMARY
Land Conservation Investment Program (LCIP) Easement

Easement Name: TNC Madison Pine Barrens **Acreage:** 341.01
Location/Road: Route 41 **Town:** Madison **County:** Carroll
Registry Recording Information: Book 1387 Page 418 Date 8-23-89
Plan Cab 11 - 026 Date 8-23-89
Grantor: The Nature Conservancy
Grantee: NH LCIP, assigned to DRED

BRIEF DESCRIPTION OF PROPERTY CONSERVATION VALUES AND PURPOSES OF EASEMENT:

The property is the best remaining example in New Hampshire of the northern-latitude variant of the pitch pine/scrub oak barrens ecological community type. It supports rare and endangered moths, butterflies, and skippers.

TERMS OF EASEMENT: ("Non-standard" terms are listed below. "Standard" LCIP easement terms are summarized on the reverse.)

1. Use Limitations:

Standard, except no provision prohibiting use of the property to meet open space requirements (1.H on reverse).

2. Reserved Rights of Landowner:

Standard, except:

- a. no provision allowing property to be posted against hunting or access (2.C. on reverse).
- b. reserved right to build trails for access and firebreaks for controlled burning.

3. Affirmative Rights of Grantee:

Standard, except no provision allowing Grantee to post signs (3.C. on reverse).

NOTE: Consult the full easement document for the complete easement terms restricting the property. This summary does not include the full intent and specific provisions contained in the easement language.

Summary Date: 11/3/92

STANDARD CONSERVATION TERMS

OF LAND CONSERVATION INVESTMENT PROGRAM (LCIP) EASEMENTS

NOTE: Consult the full conservation easement document for specific easement terms. The following list is a general summary of conservation provisions of typical LCIP easements; it does not list all provisions of a conservation easement.

1. Use Limitations:

- A. Maintain property as open space. No industrial or commercial activities except agriculture and forestry.
- B. No subdivision.
- C. No structures, except structures that serve allowed conservation uses.
- D. No disturbance of topography, wetlands, soil, natural habitat, except as needed for allowed conservation uses, and as does not harm endangered species.
- E. No signs or billboards, except as needed for allowed conservation uses.
- F. No mining of gravel, topsoil, etc., except as needed for allowed conservation uses, and no removal of such materials from the property.
- G. No dumping of environmentally hazardous materials.
- H. No use of the property to meet open space requirements of any land use regulation process.

2. Reserved Rights of Landowner:

- A. Utilities. Right to maintain, repair, and replace existing utilities.
- B. Ponds. Right to create ponds for allowed conservation uses.
- C. Posting. Right to post against vehicles, against hunting on active livestock fields, against access to agricultural cropland during planting and growing season, and against access to forestland during harvesting or establishment of plantations.

3. Affirmative Rights of Grantee:

- A. Grantee Access for easement inspection.
- B. Public Pedestrian Access for hunting, fishing, and transitory passive recreational purposes, but not camping. Grantee may post property against public access in the public interest.
- C. Right to post signs identifying the property as LCIP easement land.

E

CONSERVATION EASEMENT BASELINE DOCUMENTATION REPORT

and Acknowledgement of Property Condition

Easement Name: TNC Madison Pine Barrens

Location **Road:** Route 41
 Town: Madison
 County: Carroll

Landowner(s): The Nature Conservancy

Address(es): 1815 North Lynn Street, Arlington VA

 Local address: c/o Ed Spencer
 TNC
 2 1/2 Beacon St.
 Concord, NH 03301

Phone(s): 603-224-5853

Easement Grantee: NH LCIP, assigned to NH Dept. of Resources and Economic Development

Address: PO Box 856, Concord, NH 03302-0856

Total Acreage: 341.01

Approximate Acreage by Land Type:

Wetland:

Buildings & Grounds:

Forestland: 341.01

Other:

Farmland: Total
 Acreage by crop

PART I. Buildings or structures on Property, including sheds, barns, docks, man-made ponds, utilities, roads, gravel pits, etc.:

There are no buildings, ponds, or active gravel pits on the property.

A utility right of way crosses the property as shown on the Plan referenced in Part III below.

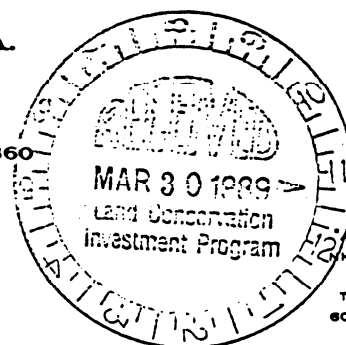
Roads and trails, of an unimproved sand surface, cross the property. A snowmobile trail is marked along the Snake Road, shown on the Plan.

As of 6/92, several dump sites and mowed areas encroached from abutter's lots over the boundary lines onto the easement property. These sites and areas are shown in a sketch map dated 6/92 incorporated into this Baseline Documentation Report and referenced in Part III below, and some of the sites and areas are also shown in the photographs referenced in Part III below. The presence of these sites and areas was not confirmed as of the date of transfer of the easement, but was first noted in 6/92. At this time, all these sites and areas appeared to have existed for a year or more.

PART II. Condition of Property, including land use and management; unusual ecological, historical, geological, or other features; condition of any

COOPER, FAUVER & DEANS, P. A.
ATTORNEYS AT LAW
P. O. BOX 450 PINE STREET
NORTH CONWAY, NEW HAMPSHIRE 03860
TELEPHONE 603-356-5439

RANDALL F. COOPER*
PETER H. FAUVER
DORCAS H. DEANS
LINDA A. JENKINS*
KENNETH R. CARGILL*



March 24, 1989

Will Abbott
Executive Director
State of New Hampshire
Land Conservation Investment Program
2 1/2 Beacon Street
Concord, NH 03301

Re: Preliminary Certificate of Title (TF1776)

Grantor: The Nature Conservancy, as evidenced by
Warranty Deed from Robert H. Kennett Family Trust, estate of A.
Crosby Kennett, A. Crosby Kennett II Revocable Trust, Frank E.
Kennett Jr., W. Curtis Kennett II, Bayard W. Kennett and Julie K.
Clark all d/b/a The Kennett Company dated August 18, 1988
recorded at the Carroll County Registry of Deeds at Book 1346,
Page 514.

Grantee: State of New Hampshire
Land Conservation Investment Program

Location: easterly Route 41
Madison, NH

Source Deeds: Quitclaim Deed from Frank R. Kennett to
William Kennett dated September 4, 1894 recorded at the Carroll
County Registry of Deeds at Book 102, Page 474; Quitclaim Deeds
from Publishers Paper Company to A. Crosby Kennett dated November
24, 1913 and November 5, 1915 recorded at said Registry at Book
145, Page 212 and Book 149, Page 369 respectively.

Period Covered: September 4, 1894 through March 17, 1989
at 4:00 P.M.

The undersigned certifies that they have carefully searched,
or caused to be carefully searched, the records which were
properly indexed at the Carroll County Registry of Deeds and
Probate and Superior Court records where applicable, and the
following title report sets forth all matters pertaining to the
above referred to property as set forth in the New Hampshire Bar
Association Title Examination Standards as adopted October 22,
1987.

Unless otherwise noted herein, all conveyances were properly signed, sealed, witnessed and acknowledged and dower, curtesy and homestead were properly released. The title report was prepared for the sole use and benefit of State of NH Land Conservation Investment Program with the understanding that the undersigned reserves and retains the sole right to reproduce the same. Inquiry should be made as to the existence of possible liens, rights and encumbrances which may not appear of record in the records searched. Based upon our search it is our opinion that the property is marketable, subject to the following exceptions:

1. Mortgages: none

2. Restrictions, Conditions and Easements:

a. Easement from A. Crosby Kennett to New England Telephone and Telegraph Company dated March 24, 1913 recorded at said Registry at Book 143, Page 513.

3. Attachments: none

4. Taxes and Municipal Charges (except current and unrecorded charges): paid receipt for 1988 Town of Madison taxes should be presented at closing; subject property (Map 1, Lot 15) is in Current Use status as imposed by the Town of Madison as recorded at Book 735, Page 92.

5. Other:

There are certain possible or latent defects in some titles to real property which an examining attorney cannot discover from a search of Registry records. For this reason, the following matters are excepted from this Title opinion:

1. Any conditions or state of facts which would be disclosed by inspection of the premises and/or an accurate engineering survey (including the exact geographic location of the premises);
2. Persons in possession and those claiming under leases for a term of less than seven years;
3. Our examination indicates that there are no mechanic's or labor liens of record against the premises, but liens of this nature may be perfected within 90 days from the last day that services are rendered or materials furnished by contractors and/or suppliers;
4. Questions as to possible encroachments, whether or not the buildings and improvements are located entirely within the described premises, whether or not the roadway serving the premises is accepted or is private

and availability of public water supply, septic or storm drainage and other utilities to the premises;

5. Any bankruptcy proceedings other than those of the immediate Grantor and any and all provisions of any public or private laws, whether federal, state, county, municipal or otherwise, and any codes, ordinances, regulations or rulings promulgated thereunder or in relation thereto, affecting the disposition, use and/or occupancy of the premises;
6. Any disability of a grantor in the chain of title, any forgery of an instrument in the chain of title, any fraudulent or mistaken identity of a record title holder due to similar or identical names, any Registry errors in the record, the rights, if any, of undisclosed heirs, any exercise of a power of attorney after death or disability of the creator of the power, and any defects in conveyances in the chain due to lack of delivery.

7. (a) Governmental police power.

(b) Any law, ordinance or governmental regulation relating to environmental protection.

(c) Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a reduction in the dimensions or area of the land, or the effect of any violation of any such law, ordinance or governmental regulation.

(d) The effect of any violation of the matters excluded under (a) (b) or (c) above, unless notice of a defect, lien or encumbrance resulting from a violation has been recorded in those records in which under state statutes deeds, mortgages, lis pendens, liens or other title encumbrances must be recorded in order to impart constructive notice to purchasers of the land for value and without knowledge; provided, however, that without limitation, such records shall not be construed to include records in any of the offices of federal, state or local environmental protection, zoning, building, health or public safety authorities.

This title report constitutes an opinion of title, but does not constitute a guaranty of title for other purposes. In drawing the deed and mortgage, if applicable herein, we have followed the description furnished and in no way assume any responsibility for the location upon the grounds for the bounds therein contained.

LIST OF GROUND PHOTOGRAPHS

Easement: TNC Madison Pine Barrens

Notes:

- The approximate location of each photo point is shown on the Property Survey with a number, keyed to the list below. The approximate direction of the photo is shown with an arrow next to the photo point number on the survey.
 - Photos are signed and dated by the photographer on the reverse of the photo. Date of photography was April 21, 1992.
 - Negatives of these photographic prints are to be on file in the NH State Archives on South Fruit Street, Concord.
 - Photographer: Brenda Lind, Trust for New Hampshire Lands, 54 Portsmouth St., Concord NH 03301.
1. View of snowmobile trail along Snake Road
 2. Stone sign at entrance off Route 41
 3. Entry road off Route 41
 4. Pine barrens seen along utility right of way
 5. Woods road in pine barrens
 6. Frontage along Route 41
 7. View along westerly property boundary across former sawdust pile area

AFFIDAVIT OF FILE PREPARER

TNC Madison Pine Barrens Conservation Easement

Baseline Documentation File

I, Brenda Lind, Assistant Director of the Trust for New Hampshire Lands, 54 Portsmouth Street, Concord, NH 03301, certify that:

1. I have personally inspected the property that is the subject of this baseline documentation file;
2. I have personally reviewed the maps, photographs, and other information contained in this baseline documentation file; and
3. the maps, photographs, and other information contained in this baseline documentation file accurately represent the condition of the subject property at the date of conveyance of the conservation easement to the State of New Hampshire Land Conservation Investment Program (except as may be otherwise specifically noted in the file), to the best of my knowledge and belief.

Brenda Lind
Brenda Lind

STATE OF NEW HAMPSHIRE
MERRIMACK COUNTY

On this the 16th day of June, 1993, before me,

Rita Quinn, the undersigned officer, personally appeared Brenda Lind known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Rita L. Quinn
~~Justice of the Peace~~/Notary Public
5/1/96